

1 **Rule 23C. Motion for emergency relief.**

2 **(a) Emergency relief; exception.** Emergency relief is any relief sought within a time period shorter
3 than specified by otherwise applicable rules. A motion for emergency relief filed under this Rule is not
4 sufficient to invoke the jurisdiction of the appellate court. No emergency relief will be granted in the
5 absence of a separately filed petition or notice that invokes the ~~appellate~~ jurisdiction of the appellate
6 court.

7 **(b) Content of motion.** A party seeking emergency relief ~~shall~~ must file with the appellate court a
8 motion for emergency relief containing under appropriate headings and in the order indicated:

9 (b)(1) a specification of the order from which relief is sought;

10 (b)(2) a copy of or link to any written order at issue;

11 (b)(3) a specific and clear statement of the relief sought;

12 (b)(4) a statement of the factual and legal grounds entitling the party to relief;

13 (b)(5) a statement of the facts justifying emergency action; and

14 (b)(6) a certificate that all papers filed with the court have been served ~~upon~~ on all parties by
15 submitting the document for electronic filing or by email, overnight mail, hand delivery, or facsimile, or
16 electronic transmission.

17 The motion ~~shall~~ may not exceed ~~fifteen~~ 15 pages, exclusive of any addendum containing statutes,
18 rules, regulations, or portions of the record necessary to decide the matter. It also ~~shall~~ may not seek
19 relief beyond that necessitated by the emergency circumstances justifying the motion.

20 **(c) Service in criminal and juvenile delinquency cases.** Any motion filed by a defendant in a
21 criminal case originally charged as a felony or by a juvenile in a delinquency proceeding ~~shall~~ must be
22 served on the Appeals Division of the Office of the Utah Attorney General.

23 **(d) Response; no reply.** Any party may file a response to the motion within ~~three~~ 3 business days
24 after ~~service filing~~ of the motion or whatever shorter time the appellate court may fix. The response ~~shall~~
25 may not exceed ~~fifteen~~ 15 pages, exclusive of any addendum containing statutes, rules, regulations, or
26 portions of the record necessary to decide the matter. No reply ~~shall be~~ is permitted. Unless the appellate
27 court is persuaded that an emergency ~~circumstance justifies and~~ requires a temporary stay of a ~~lower~~
28 ~~tribunal's proceedings prior to~~ before the opportunity to receive or review a response, no motion ~~shall~~ will
29 be granted before the response period expires.

30 **(e) Form of papers and number of copies.** ~~Papers filed pursuant to this rule shall comply with the~~
31 ~~requirements of Rule 23(f).~~

32 **(f) ~~(e)~~ Hearing.** A hearing on the motion will be granted only in exceptional circumstances. No motion
33 for emergency relief will be heard without the presence of an adverse party except on a showing that the
34 party (1) was served with reasonable notice of the hearing, and (2) ~~cannot be reached by telephone~~
35 attend by contemporaneous transmission from a different location.

36 ~~(g) Power of a single justice or judge to entertain motions.~~ A single justice or judge may act upon
37 a motion for emergency relief to the extent permitted by Rule 19(d) where the relief sought is an
38 extraordinary writ and by Rule 23(e) in all other cases.

39 **Advisory Committee Notes**

40 2016 amendments

41 Paragraph (g) describing the power of a single judge to act on a motion is deleted because that
42 authority is included in Rule 23.

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